will not be established until the spring of 1995.

The Committee meets in February or March each year and recommends to the Secretary a per ton, administrative assessment of Segregation 1, farmers stock peanuts received or acquired by signatory handlers for the upcoming crop year. The crop year covers the 12-month period from July 1 to June 30.

Therefore, pursuant to Public Law 103–66 and subsequent to the receipt of such a recommendation in 1995, the Department will initiate rulemaking procedures to assess non-signatory handlers. The assessment will be based on: (1) Tonnage reported on incoming inspection certificates of each handler's Segregation 1 farmers stock peanuts received or acquired for the handler's account and (2) tonnage reported on FV–117 ''Weekly Report of Uninspected Farmers Stock Seed Peanuts Received for Custom Seed Shelling.'' If an administrative assessment rate of $.60 per ton were established, a handler who received or acquired 50,000 tons of Segregation 1 farmers stock peanuts and 50,000 tons of uninspected farmers stock peanuts for seed would pay an assessment of $60.

The assessment will be applied to peanuts intended for human consumption and peanuts intended for non-human consumption outlets such as seed, oilstock and animal feed. The assessment will be applied to peanuts received or acquired for a handler's account, including the handler's own production. Assessment will not be applied on Segregation 1 peanut lots received or acquired by a handler from other handlers or from the Commodity Credit Corporation (CCC) program received for non-edible use, or lots received on behalf of an area association pursuant to warehousing services [§ 997.20(a)].

The assessment will be applied, pro rata, on non-signatory handlers who perform handling functions defined in § 997.14. Handling is defined as engaging in the receiving or acquiring, cleaning and shelling, cleaning inshell, or crushing of peanuts and in the shipment (except as a common or contract carrier of peanuts owned by another) or sale of cleaned inshell or shelled peanuts or other activity causing peanuts to enter the current of commerce. Handling does not include the sale or delivery of peanuts by a producer to a handler or to an intermediary person engaged in delivering peanuts to handlers and the sale or delivery of peanuts by such intermediary to a handler.

Section 997.15 defines a non-signatory handler as any person who handles peanuts, in a capacity other than that of a custom cleaner or dryer, and assembler, a warehouse person or other intermediary between the producer and the non-signatory handler.

Speculators, brokers, or other entities who take possession of Segregation 1 farmers stock peanuts, submit such peanuts for incoming inspection, and subsequently enter such peanuts into the channels of commerce will pay assessments on such peanuts. Entities who receive or acquire farmers stock peanuts for the purpose of custom seed shelling will be assessed on the basis of Form FV–117 ''Weekly Report of Uninspected Farmers Stock Seed Peanuts Received for Custom Seed Shelling.'' Form FV–117 is currently required from such entities. Producer/handlers who store peanuts of their own production (farm-stored peanuts) will, at some point prior to further handling, obtain incoming inspection on such peanuts and, at that time, pay the pro-rata administrative assessment on such peanuts.

Only one administrative assessment will be applied to any lot of farmers stock peanuts. Non-signatory and signatory handlers will not pay an administrative assessment on a lot which they purchase from speculators, brokers or other such entities who have already paid an administrative assessment on the lot.

A crop year's original assessment could be increased by the Secretary based on a similar increase applied by the Secretary on signatory handlers. Such an increase will be applied on all peanuts first handled by non-signatory handlers during the crop year in which the increased assessment occurred.

Peanuts will be assessed based on the rate applicable to the crop year in which the lot is presented for incoming inspection.

Also pursuant to Pub. L. 103–66, this rule will establish that non-signatory handlers pay their administrative assessment to the Secretary. The Secretary will bill non-signatory handlers on a periodic basis determined by the Secretary. The non-signatory handler will be responsible for remitting payment by the date specified. Payment in the form of a personal check, cashier's check or money order will be remitted to the Department. Audits of each handler's account may be conducted by the Department to reconcile incoming, farmers stock volume received or acquired and assessments paid.

Violation of the non-signer regulations may result in a penalty in the form of an assessment by the Secretary equal to 140 percent of the support price for quota peanuts. The support price for quota peanuts is determined under 7 U.S.C. 1445c-3 for the crop year during which the violation occurs.

The interim final rule on these issues was published in the **Federal Register** on August 3, 1994 [59 FR 39419]. That rule invited interested persons to submit written comments through September 2, 1994. One comment supporting the collection of assessments from non-signer peanut handlers was received.

The establishment of an administrative assessment rate may impose some additional costs on non-signatory handlers. However, the costs will be in the form of uniform assessments on all handlers who are not signatory to the Agreement.

In accordance with the Paperwork Reduction Act of 1988 [44 U.S.C. Chapter 35], the information collection requirements that are contained in this rule have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0163.

Based on available information, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 7 CFR part 997 which was published at 59 FR 39419 on August 3, 1994, is adopted as a final rule with the following change:

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

1. The authority citation for 7 CFR part 997 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 997.100 [Removed]

2. In part 997, § 997.100 and the center heading preceding it are removed.

Dated: January 27, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–2581 Filed 2–1–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1011

[DA–95–02]

Milk in the Tennessee Valley Marketing Area; Temporary Revision of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Revision of rule.

SUMMARY: This document reduces the supply plant shipping requirement of the Tennessee Valley Federal milk order (Order 11) for the months of March through July 1995. The proposed action was requested by Armour Food Ingredients Company (Armour), which operates a proprietary supply plant pooled under Order 11. Armour contends the action is necessary to prevent the uneconomical movement of milk and to ensure that producer milk associated with the market in the fall will continue to be pooled in the spring and summer months.

EFFECTIVE DATE: March 1, 1995, through July 31, 1995.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and the provisions of § 1011.7(b) of the Tennessee Valley order.

Notice of proposed rulemaking was issued on November 1, 1994, and published in the **Federal Register** on November 7, 1994 (59 FR 55377), concerning a proposed relaxation of the supply plant shipping requirement. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments by December 7, 1994. One comment letter was received.

Statement of Consideration

The temporary revision reduces the supply plant shipping requirement from 40 to 30 percent for the period of March through July 1995. The Tennessee Valley order requires that a supply plant ship a minimum of 60 percent of the total quantity of milk physically received at the supply plant during the months of August through November, January, and February, and 40 percent in each of the other months. The order also provides authority for the Director of the Dairy Division to increase or decrease this supply plant shipping requirement by up to 10 percentage points if such a revision is necessary to obtain needed shipments of milk or to prevent uneconomic shipments.

Armour Food Ingredients states that it would have to make uneconomical shipments of milk from its Springfield, Kentucky, supply plant to meet the 40 percent shipping standard required for pool status under Order 11 during the months of March through July. Additionally, it states that the 40 percent requirement could jeopardize the continued association of producers who have supplied the Order 11 market in the fall.

At a hearing held in Charlotte, North Carolina, on January 4, 1995, Armour proposed an amendment to the Tennessee Valley order that would provide automatic pooling status for a supply plant during the months of March through July if the plant met the order's shipping requirements during the preceding months of August through February. There was no opposition to this proposal at the hearing.

Purity Dairies, Inc., a Nashville, Tennessee, handler that is regulated under the Georgia order (Order 7), filed a comment opposing the proposed revision. Purity states that it cannot procure milk from its traditional supply area in central Kentucky in competition with Armour and other Order 11 handlers because its blend price in Nashville is no longer competitive with the Order 11 blend price. It states that Armour is attracting more milk than is needed and that ''this practice of hoarding milk supplies should not be tolerated.''

There was no testimony on the record of the recently-concluded hearing to suggest that Armour is hoarding milk supplies. None of the plants which receive milk from Armour indicated that Armour was not shipping enough milk. In fact, the record showed that Armour consistently exceeded the order's 60-percent shipping requirement and that during certain short production months Armour shipped in excess of 90 percent of its milk to distributing plants.

While it is true that Purity's blend price under Order 7 and former [1] Order 98 (Nashville, Tennessee) was frequently close to or below the Order 11 blend price during the period from December 1993 through April 1994, data introduced into the record of the Charlotte hearing indicate that since July 1994 the Nashville-Springfield price relationship has returned to a more normal pattern, as shown in Table 1.

TABLE 1.—COMPARISON OF BLEND PRICES: JANUARY 1992–NOVEMBER 1994, NASHVILLE, TN (ORDER 98/7)—SPRINGFIELD, KY (ORDER 11)

	Average blend price at Nashville, TN, under order 98/7 [1]	Average blend price at Springfield, KY, under order 11	Difference
1/92–1/93	13.85	13.58	.26
12/93–/94	14.22	14.33	−.11
5/94–1/94	14.01	13.72	.28

[1] The Nashville, Tennessee, order was terminated effective July 31, 1993.

If Purity has difficulty in attracting a milk supply, it should direct its concern

to the open record for the proposed Southeast marketing area, which encompasses the Nashville area. Purity's opposition to Armour's request for a modest reduction in shipping requirements is insufficient basis for denying the request, particularly in light of the absence of any opposition to Armour's proposal at the Charlotte hearing for NO shipping requirements during the months of March through July.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found and determined that the supply plant shipping percentage set forth in § 1011.7(b) should be reduced from 40 to 30 percent for the months of March through July 1995.

List of Subjects in 7 CFR Part 1011

Milk marketing orders.

For the reasons set forth in the preamble, the following provision in Title 7, Part 1011, is amended as follows:

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. The authority citation for 7 CFR part 1011 continues to read as follows:

Authority: Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1011.7 [Amended]

2. In § 1011.7(b), the phrase ''40 percent'' is revised to read ''30 percent'' for the period of March 1, 1995, through July 31, 1995.

Dated: January 27, 1995.

Richard M. McKee,

Director, Dairy Division.

[FR Doc. 95–2587 Filed 2–1–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–CE–13–AD; Amendment 39–9137; AD 95–02–19]

Airworthiness Directives; Jetstream Aircraft Limited (formerly British Aerospace, Regional Airlines Limited) HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. This action requires repetitively inspecting the left and right pilot windscreens for poly vinyl butyrate (PVB) interlayer cracks, and replacing any windscreen that has a crack exceeding certain limits. Several reports of PVB interlayer cracking of pilot windscreens on the affected airplanes prompted this action. The actions specified by this AD are intended to prevent such windscreen cracking, which, if not detected and corrected, could result in decompression injuries.

DATES: Effective March 10, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 10, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041–6029; telephone (703) 406–1161; facsimile (703) 406–1469. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 513.3830; facsimile (322) 230.6899; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain JAL HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes was published in the **Federal Register** on October 14, 1994 (59 FR 52102). The action proposed to require repetitively inspecting the left and right pilot windscreens for PVB interlayer cracks, and replacing any windscreen that has a crack exceeding certain limits. The proposed action would be accomplished in accordance with Jetstream Service Bulletin 56–JA 920843, Revision 1, dated December 16, 1993.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule and no comments were received on the FAA's determination of the cost to the public.

After careful review of all available information, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 160 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,800. This figure does not take into account any possible window replacements or repetitive inspections. The FAA has no way of determining how many windscreens may have PVB interlayer cracks that exceed the limitations and would require replacement, or the number of repetitive inspections each owner/operator may incur.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the